

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 18, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TINFRA, LLC,

Plaintiff,

v.

BIT CAPITAL GROUP LLC; JIMMY
ODOM; JAMES THOMMES,

Defendants.

No. 2:23-CV-00082-MKD

ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
INITIAL RESPONSIVE PLEADING

AND

DENYING MOTION REQUESTING
THAT NO TEMPORARY
RESTRAINING ORDER BE
ENTERED WITHOUT GIVING
DEFENDANTS NOTICE AND AN
OPPORTUNITY TO BE HEARD BE
ENTERED

ECF Nos. 10, 15

Before the Court is Defendants' First Consent Motion for Extension to File Their Initial Responsive Pleading. ECF No. 15. Defendants seek additional time to file an initial responsive pleading. Fed. R. Civ. P. 12(a)(1)(A)(i) provides that a defendant must file an answer within 21 days after being served with a summons

1 and complaint. The proofs of service filed at ECF Nos. 11 and 12 indicate that
2 service was made upon Defendants BIT Capital Group LLC and James Thommes
3 on March 24, 2023, at 6:54 p.m. Answers were therefore due on April 17, 2023.
4 Defendants request an extension of 21 days to file their Answers. The Court finds
5 good cause to grant the request. Fed. R. Civ. P. 6(b)(1).

6 Also before the Court is Defendants' Motion Requesting that No Temporary
7 Restraining Order be Entered Without Giving Defendants Notice and An
8 Opportunity to be Heard be Entered. ECF No. 10. Defendants ask that the Court
9 decline to consider any Temporary Restraining Order ("TRO") on an ex parte
10 basis. Fed. R. Civ. P. 65(b) provides that the court may issue a TRO without
11 notice to the adverse party only upon a showing that immediate and irreparable
12 injury, loss, or damage will result before the adverse party can be heard and the
13 movant certifies efforts made to give notice. As of now, any such motion for a
14 TRO is speculative. The Court can only assure the parties that it will apply the
15 relevant law to a request for TRO that comes before it, at the appropriate time.

16 Accordingly, **IT IS ORDERED:**

17 1. Defendants' First Consent Motion for Extension to File Their Initial
18 Responsive Pleading, **ECF No. 15**, is **GRANTED**.

19 2. The time for Defendants to file a responsive pleading is **EXTENDED**
20 to **May 8, 2023**.

1 3. Defendants' Motion Requesting that No Temporary Restraining Order
2 be Entered Without Giving Defendants Notice and An Opportunity to be Heard be
3 Entered, **ECF No. 10**, is **DENIED**.

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
5 Order and provide copies to the parties.

6 DATED April 18, 2023.

7 s/Mary K. Dimke
8 MARY K. DIMKE
9 UNITED STATES DISTRICT JUDGE
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